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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT TACOMA

10 MARY A. MEEKER,

11 Plaintiff,

12 v.

13 NANCY A BERRYHILL, Deputy
14 Commissioner of Social Security for
Operations,

15 Defendant.

CASE NO. 3:17-CV-05212-DWC

ORDER GRANTING MOTION FOR
EAJA FEES

16 Pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73, and Local Rule MJR
17 13, the parties have consented to have this matter heard by the undersigned Magistrate Judge.

18 *See* Dkt. 22.

19 On March 21, 2018, Plaintiff Mary A. Meeker filed a Motion for Attorney Fees
20 (“Motion”), seeking attorney’s fees under the Equal Access to Justice Act (“EAJA”) for 41.8
21 hours of attorney work. Dkt. 29. In a Response dated April 2, 2018, Defendant asserted her
22 position in this matter was substantially justified and the fee request was unreasonable. Dkt. 32.
23 On April 25, 2018, the Court concluded Defendant’s position was not substantially justified,
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1 although a part of Plaintiff's fee request was unreasonable; therefore, the Court issued an Order
2 granting the Motion in-part, for 40 hours of attorney work ("Order"). Dkt. 39.

3 Furthermore, prior to the Court issuing its Order, Defendant filed a Motion for leave of
4 Court to file a Surreply, which was followed by the filing other pleadings and Orders entered by
5 the Court. Dkt. 34, 35, 36, 37, 38. Because Plaintiff filed the Motion prior to the various
6 pleadings and orders regarding Defendant's Surreply, the Court allowed Plaintiff to submit a
7 supplemental Declaration reflecting the hours spent defending the Motion and reviewing the
8 documents related to Defendant's Surreply. Dkt. 39, pp. 8-9. On April 30, 2018, Plaintiff filed an
9 Amended Motion for Attorney Fees ("Amended Motion") and Supplemental Declaration,
10 reflecting Plaintiff's attorney spent 2.3 hours defending the Motion and reviewing and
11 researching the documents related to Defendant's Surreply. *See* Dkt. 40, 41.

12 Therefore, in light of the Court's previous Order and Plaintiff's amended fee petition, the
13 Court hereby grants Plaintiff's Motion (Dkt. 29) and Amended Motion (Dkt. 40) as follows:

14 Plaintiff is awarded a total award of \$8,324.22 in attorney's fees, representing 42.3 hours
15 of attorney work,¹ pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 560 U.S. 586
16 (2010).

17 The Acting Commissioner shall contact the Department of Treasury to determine if the
18 EAJA Award is subject to any offset. If the U.S. Department of the Treasury verifies to the
19 Office of General Counsel that Plaintiff does not owe a debt, the government shall honor
20 Plaintiff's assignment of EAJA Award and pay the EAJA Award directly to Jeanette Laffoon,
21 Plaintiff's counsel. If there is an offset, any remainder shall be made payable to Plaintiff, based
22 on the Department of the Treasury's Offset Program and standard practices, and the check shall

23
24 ¹ Plaintiff did not request an award for any paralegal work or expenses that may have been associate with
her case. *See* Dkt. 29, 30, 31, 31-1, 40, 41.

1 be mailed to Plaintiff's counsel, Jeanette Laffoon, 410-A South Capitol Way, Olympia, WA
2 98501.

3 Dated this 3rd day of May, 2018.

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6 David W. Christel
7 United States Magistrate Judge
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